



Correspondence Management System

Control Number: AX-16-000-5875

Printing Date: March 21, 2016 03:42:55



Citizen Information

Citizen/Originator: Broome, Shannon S

Organization: Katten Muchin Rosenman LLP

Address: 2900 K Street, NW- North Tower, Washington, DC 20007

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-16-000-5875

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Apr 5, 2016

of Extensions: 0

Letter Date: Mar 19, 2016

Received Date: Mar 19, 2016

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: EML (E-Mail)

Priority Code: Normal

Signature: DX-Direct Reply

Signature Date: N/A

File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.

Subject: DRF - Daily Reading File - Request for Extension of Comment Period on EPA's Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(r)(7); Proposed Rule, 81 Fed. Reg. 13,638 (Mar. 14, 2016), Docket Id. No. EPA-HQ-OEM-2015-0725

Instructions: DX-Respond directly to this citizen's questions, statements, or concerns

Instruction Note: N/A

General Notes: N/A

CC: Eileen Naples - AO-IO

OAR - Office of Air and Radiation -- Immediate Office

OPA - Office of Public Affairs

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Jacqueline Leavy	OEX	OLEM	Mar 21, 2016	Apr 5, 2016	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

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March 17, 2016

Via Email

The Honorable Regina McCarthy
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Code 5104A
Washington, DC 20460
gina.mccarthy@epa.gov

The Honorable Mathy Stanislaus
Assistant Administrator
Office of Land and Emergency Management
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Code 5104A
Washington, DC 20460
mathy.stanislaus@epa.gov

Re: Request for Extension of Comment Period on EPA's *Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(r)(7); Proposed Rule, 81 Fed. Reg. 13,638 (Mar. 14, 2016), Docket Id. No. EPA-HQ-OEM-2015-0725*

Dear Administrator McCarthy and Assistant Administrator Stanislaus:

The Chemical Safety Advocacy Group (CSAG) respectfully requests a 30-day extension of the comment period on the U.S. Environmental Protection Agency's (EPA or Agency) *Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(r)(7); Proposed Rule, 81 Fed. Reg. 13,638 (Mar. 14, 2016), Docket Id. No. EPA-HQ-OEM-2015-0725*, published in the *Federal Register* on March 14, 2016.

CSAG is a coalition of companies that is focused solely on supporting appropriate implementation of EPA's Risk Management Program (RMP) rules and the Occupational Safety & Health Administration's (OSHA) Process Safety Management (PSM) rules. CSAG members include companies in the refining, oil and gas, chemicals, and general manufacturing sectors with facilities throughout the United States that are subject to the RMP rule. Our diverse membership, representing companies across multiple industry sectors, makes CSAG uniquely

The Honorable Regina McCarthy and the Honorable Mathy Stanislaus

March 17, 2016

Page 2

situated to provide meaningful input to the Agency as it considers potential steps to improve chemical safety and security.

The proposed rule includes complex changes to numerous interrelated aspects of the regulations. Moreover, EPA has included over 100 solicitations of comment on specific alternatives or potential additional regulatory provisions, including the costs of proposed requirements like the changes to incident investigation provisions and the addition of third party audit requirements. If finalized, the proposed provisions will have a wide impact on a range of businesses and current operations and it is CSAG's desire to provide EPA with useful and specific input on these topics. Further, it is CSAG's understanding that OSHA anticipates releasing Small Business Regulatory Enforcement Fairness Act (SBREFA) materials for its companion PSM rulemaking. The SBREFA materials are expected to cover similar topics to as well as additional topics directly related to but not covered by EPA's RMP proposal. CSAG needs to be able to consider all changes from both agencies to fully understand the magnitude of the proposed requirements and how they interrelate.

In addition, while we recognize that EPA's Request for Information (RFI) (which itself had a 90-day comment period) spoke to some of the topics addressed in the RMP proposal, EPA should not consider that comment period as providing support for a shorter comment period on this proposed rule. The current proposal includes numerous new requirements and provides the detailed regulatory language, cited support, and cost and benefit analysis for the very first time. More time is needed for members of the public to evaluate the proposed requirements as well as the supporting documentation. Accordingly, the current 60-day comment period is inadequate to analyze, provide meaningful comment, and develop the useful input we want to give the Agency so that it can make the most informed decisions possible. CSAG therefore requests the comment period be extended to 90 days.

Please contact me at 202-625-3715 or shannon.broome@kattenlaw.com with any questions regarding this request. We look forward to hearing from you.

Sincerely,



Shannon S. Broome
Counsel for the Chemical Safety Advocacy Group

cc: Mr. James R. Belke, EPA OLEM
Ms. Kathy Franklin, EPA OLEM
Mr. Charles H. Knauss, CSAG



Correspondence Management System

Control Number: AX-16-000-5895

Printing Date: March 21, 2016 01:22:58



Citizen Information

Citizen/Originator: Curtman, Paul

Organization: Missouri House of Representatives

Address: Capitol Office State Capitol 201 West Capitol Avenue, Jefferson City, MO 65101

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-16-000-5895 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Mar 15, 2016 **Received Date:** Mar 21, 2016
Addressee: AD-Administrator **Addressee Org:** EPA
Contact Type: LTR (Letter) **Priority Code:** Normal
Signature: SNR-Signature Not Required **Signature Date:** N/A
File Code: 401_127_a General Correspondence Files Record copy
Subject: DRF - Daily Reading File - 1 Hour National Ambient Air Quality Standard for Sulfur Dioxide (Docket ID No. EPA-HQ-OAR-2014-0464).
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: Kristien Knapp - AO-IO
OCIR - Office of Congressional and Intergovernmental Relations
OPA - Office of Public Affairs
R7 - Region 7 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

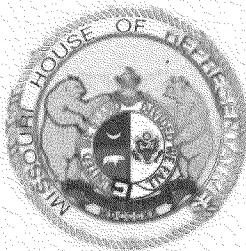
Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
Brenda Salvador	OEX	OAR	Mar 21, 2016

History

Action By	Office	Action	Date
Brenda Salvador	OEX	Forward control to OAR	Mar 21, 2016

**CAPITOL OFFICE**

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MISSOURI HOUSE OF REPRESENTATIVES

Paul Curtman
State Representative
District 109

COMMITTEES**Chairman:**

Government Efficiency

Member:

Ways and Means

Appropriations-Public Safety
and Corrections

Select Committee on General
Laws

Joint Committee on
Government Accountability

The Honorable Gina McCarthy
Administrator
United States Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, NW, Mail Code 1101A
Washington D.C. 20460

Re: 1 Hour National Ambient Air Quality Standard for Sulfur Dioxide

Dear Administrator McCarthy:

I understand that on February 17, 2016, the United States Environmental Protection Agency (USEPA) rejected the state of Missouri's recommendation that the Franklin County Missouri Area be classified as "unclassifiable" for the revised 1 Hour National Ambient Air Quality Standard for Sulfur Dioxide (1 Hour SO₂ NAAQS) promulgated by USEPA. Instead, USEPA has proposed that the Franklin County Missouri Area be designated as non-attainment. EPA's proposed decision is contrary to the overwhelming technical information, and the proposed decision violates the intent of the state of Missouri's decision, expressed through a vote of the general assembly and signature by the Governor, to require that any designation within its own borders be based upon the best available scientific information including actual monitored data. USEPA decision is arbitrary, wrong and must be reversed.

The 1 Hour SO₂ NAAQS arises from the Clean Air Act and is more specifically defined in the code of federal regulations 40 CFR 50.17. The specific requirement is: 1-hour SO₂ standard of 75 ppb. In 2015 the Missouri legislature enacted Senate Bill 445 which was signed into the law by Governor Nixon. SB445 provides that designation decisions should be made with full consideration of the best available information including, if a source elects to install a monitoring network, actual ambient air quality data collected.

Two air monitors were installed in April, 2015 at locations around the Labadie Energy Center. The locations were chosen pursuant to EPA criteria. One monitor has operated continuously since installation. The other operated continuously until it was impacted by the Christmas flood but I understand it will resume operating this month. There has not been a single reading on either monitor in which the 1 Hour SO₂ NAAQS was exceeded. The highest measured values range between 14 and 56 ppb, anywhere between 77% and 25% below the standard. A summary of the highest measured values is included in Attachment 1.

I believe that the EPA should use the best scientific data available to determine the quality of our air. Decisions regarding air classification should be factual rather than political.

For the people of Franklin County Missouri, this is a serious matter. A non-attainment designation will have serious, long-term negative economic consequences.

EPA's reliance on flawed science also has the long-term effect of eroding public confidence in the agency's credibility.

After full consideration of the best available information and actual data collected around the Franklin County Missouri Area, MDNR recommended to USEPA that the area be classified as "unclassifiable". In light of all the uncertainties around the air quality prediction model used by the regulators in these designation efforts and the almost one full year of actual monitored data that shows the air quality is far below the 1 Hour SO₂ NAAQS, MDNR believed, correctly, that more information is needed before a correct designation decision could be made. There is no benefit to recommending an area as non-attainment if the modeling cannot be considered reliable (even USEPA believes the model is not reliable without corrections under certain circumstances), and if full consideration of actual data could very well demonstrate that the area actually attains the standard.

Instead of celebrating the collective, positive air quality information, including specifically the actual data trending towards attainment and modeling showing attainment when site specific variables are used rather than generic default options, the USEPA rejected MDNR's recommendation and instead proposed a designation of non-attainment.¹ In rejecting MDNR's strongly supported recommendation, USEPA has failed the state of Missouri and its residents. There is no excuse for USEPA's failure to consider the monitored data gathered to date, failure to consider its own admitted flaws of modeling over prediction and failure to honor the mandate of the state of Missouri that designation decisions be based on good and meaningful science.

USEPA's decision to designate the Franklin County Missouri Area as non-attainment is arbitrary and erroneous. We ask that USEPA make a science based decision and classify the Franklin County, Missouri Area as unclassifiable so that additional technically sound data can be gathered to make a correct designation.

Respectfully,



Representative Paul Curtman
District 109
Missouri House of Representatives

cc: The Honorable Sara Parker Pauley, Missouri Department of Natural Resources
EPA Docket Center

¹ The Agency also drew the jurisdictional boundaries to now include portions of Franklin County and portions of St. Charles County.



Correspondence Management System

Control Number: AX-16-000-5896

Printing Date: March 21, 2016 02:52:26



Citizen Information

Citizen/Originator: Stek, Charles A.

Organization: Citizens Advisory Committee to the Chesapeake Executive Council
Address: 612 Hull Street, Richmond, VA 23224

Jasinski, Paula

Organization: Citizens Advisory Committee
Address: 612 Hull Street, Richmond, VA 23224

Constituent: N/A

Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number: AX-16-000-5896 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Mar 7, 2016 **Received Date:** Mar 21, 2016
Addressee: AD-Administrator **Addressee Org:** EPA
Contact Type: LTR (Letter) **Priority Code:** Normal
Signature: SNR-Signature Not Required **Signature Date:** N/A
File Code: 401_127_a General Correspondence Files Record copy
Subject: DRF - Daily Reading File - Urge EPA to act swiftly to fill the recently vacant position of Senior Advisor for the Chesapeake Watershed and Anacostia River with a suitable replacement
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: Matthew Klasen - OW
OPA - Office of Public Affairs
OW - Office of Water -- Immediate Office
R3 - Region 3 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

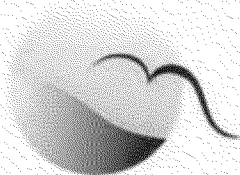
Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
Jacqueline Leavy	OEX	Esther Morales	Mar 21, 2016

History



Citizens Advisory Committee

TO THE CHESAPEAKE EXECUTIVE COUNCIL

RECEIVED

2016 MAR 21 AM 11:42

OFFICE OF THE
EXECUTIVE SECRETARIAT

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Maryland

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Bob Wayland
Virginia

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Maryland

March 7, 2016

Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator McCarthy:

On behalf of the Citizens Advisory Committee (CAC) we urge you to act swiftly to fill the recently vacant position of Senior Advisor for the Chesapeake Watershed and Anacostia River with a suitable replacement.

Over the past seven years, since the position of Senior Advisor for the Chesapeake Watershed and Anacostia River was first created, members of the CAC and many citizens and organizations which we represent have worked closely with Senior Advisors Chuck Fox and his successor Jeff Corbin on a broad variety of issues. Both Chuck and Jeff have proved to be outstanding leaders playing key roles in advancing and coordinating all aspects of the Chesapeake Bay Program's watershed restoration efforts, ably representing the EPA and serving as liaison to other federal agencies, state and local governments and stakeholder groups. While we laud the work that EPA Region 3 and the Bay Program Office are doing, we believe it is critical that the Agency retain someone at the helm in a senior executive position of similar caliber and experience charting the course forward as we approach the 2017 Mid-Point Assessment in Chesapeake watershed restoration.

As you know, the Chesapeake Bay Program faces some serious challenges ahead in finding the resources, ensuring accountability and verifying progress in implementing the goals and action plans of the new Chesapeake Watershed Agreement, Chesapeake Executive Order #13508, and the Clean Water Act's Total Maximum Daily Load (TMDL) pollution diet for the Chesapeake and its tributaries, among other needs. Sustaining the position of Bay "Czar" with a focus on addressing these challenges and coordinating the Bay Program partnership's response is essential for future success and underscores that the Chesapeake watershed restoration effort remains a top EPA priority.

We commend you for your leadership in protecting public health and our environment and hope you will give this matter full and careful consideration.

Sincerely,

Charles A. Stek

Charles A. Stek
Chair, Citizens Advisory Committee

Paula Jasinski

Paula Jasinski
Vice-Chair, Citizens Advisory

Jessica M. Blackburn, CAC Coordinator

612 Hull Street, Suite 101C | Richmond, VA 23224 | (804) 775-0953 | jblackburn@allianceforthebay.org |





Correspondence Management System

Control Number: AX-16-000-5910

Printing Date: March 21, 2016 01:50:30



Citizen Information

Citizen/Originator: Strong, J D

Organization: Oklahoma Department of Environmental Quality
Address: Office of the Executive Director 707 North Robinson P O Box , Oklahoma City, OK 73101-1677

Thompson, Scott

Organization: Department of Environmental Quality
Address: 707 N Robinson, Oklahoma City, OK 73102

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-16-000-5910 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Mar 18, 2016 **Received Date:** Mar 21, 2016
Addressee: AD-Administrator **Addressee Org:** EPA
Contact Type: LTR (Letter) **Priority Code:** Normal
Signature: SNR-Signature Not Required **Signature Date:** N/A
File Code: 401_127_a General Correspondence Files Record copy
Subject: DRF - Daily Reading File - Rulemaking to provide process for tribes to obtain "Treatment in the Same Manner as State" Status for the CWA Section 303 (d) Impaired Water Listing and Total Maximum Load Docket ID No. EPA-HQ-OW-2014-0622
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: OCIR - Office of Congressional and Intergovernmental Relations
OITA - Office of International and Tribal Affairs
OPA - Office of Public Affairs
R6 - Region 6 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

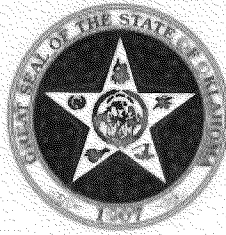
Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
Brenda Salvador	OEX	OW	Mar 21, 2016



STATE OF OKLAHOMA

RECEIVED
2016 MAR 21 AM 11:43
OFFICE OF THE
EXECUTIVE SECRETARIAT

March 18, 2016

Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

RE: Docket ID No. EPA-HQ-OW-2014-0622
Rulemaking to Provide Process for Tribes to Obtain "Treatment in the Same
Manner as a State" Status for the CWA Section 303(d) Impaired Water Listing
And Total Maximum Daily Load Program

Dear Administrator McCarthy:

Thank you for the opportunity to comment on the Environmental Protection Agency's ("EPA") Rulemaking to Provide Process for Tribes to Obtain "Treatment in the Same Manner as a State" Status for the CWA Section 303(d) Impaired Water Listing And Total Maximum Daily Load Program ("TMDL"). We thank EPA for recognizing certain concerns raised in previous TAS actions and understand EPA's desire to simplify the application process; however, the process for integrating certain Oklahoma-specific Treatment as a State ("TAS") requirements remains unclear within the proposal.

EPA has specifically requested public comment on whether applicable Water Quality Standards ("WQS") should be a prerequisite for obtaining TAS for the CWA Section 303(d) Impaired Water Listing and TMDL Program. Public comment has been requested on this particular requirement because authorized tribes must list waters and develop TMDLs based on applicable WQS. We believe that a tribe should already have EPA-approved or EPA promulgated water quality standards as a prerequisite for TAS under 303(d). Because of the checker-board nature of tribal trust lands in Oklahoma, this requirement would allow for a more consistent development of water quality standards throughout the state without a detrimental impact to economic development.

EPA also requested public comment on whether a tribe applying for TAS for 303(d) should already be approved for TAS under 303(c) or at least simultaneously apply for 303(c) approval with their 303(d) application. As stated above, we believe a tribe should have already been approved for TAS under 303(c) and have EPA-approved WQS before applying for TAS for 303(d).

Finally, EPA requested comment on the proposed procedures for avoidance of duplicative notice and comment procedures. Section VII of the Notice describes EPA's procedure for processing a TAS application; including the procedure for a consultation with appropriate governmental entities. The proposed rule provides for notice to all appropriate governmental entities and a 30 day comment period for comments to be submitted on the tribal application. According to the notice, this aspect of EPA's review procedure would apply unless such process would be duplicative of a notice and comment process already performed in connection with the same tribe's prior application for TAS for another CWA regulatory program.

Consultation with a state on each TAS application is especially important in Oklahoma. In 2005, Congress enacted the *Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2005* ('SAFETEA'), Public Law 109-59, 119 Stat. 1144. Section 10211(b) of SAFETEA contains the following provision:

TREATMENT AS STATE.—Notwithstanding any other provision of law, the Administrator may treat an Indian tribe in the State of Oklahoma as a State under a law administered by the Administrator only if—

- (1) the Indian tribe meets requirements under the law to be treated as a State; and
- (2) the Indian tribe and the agency of the State of Oklahoma with federally delegated program authority enter into a cooperative agreement, subject to review and approval of the Administrator after notice and opportunity for public hearing, under which the Indian tribe and that State agency agree to treatment of the Indian tribe as a State and to jointly plan administer program requirements.

We appreciate that EPA recognizes this provision in the notice. However, merely stating in Section VI of the notice (see below) that it is necessary to address the SAFETEA provision within the Notice does not explain the process or sequence of events that will be used to ensure the provision is satisfied, especially if state consultation is not required for all TAS applications.

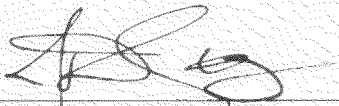
This requirement of SAFETEA exists apart from, and in addition to, existing TAS criteria, including the TAS criteria set forth in section 518 of the CWA. EPA's proposal relates solely to the interpretation of an existing CWA TAS requirement; it would thus have no effect on the separate requirement of section 10211(b) of SAFETEA.

While the SAFETEA provision does not exist within the CWA, it is nonetheless an integral part of the TAS application from a tribe in Oklahoma. This provision applies to every tribe in Oklahoma seeking TAS approval and should be evaluated as a threshold matter at the beginning of the process when EPA determines whether a tribe has sufficient regulatory authority to enact a CWA program. Given the unique situation in Oklahoma and the need to reconcile unique Federal law on this subject, we implore you to spell out the process EPA intends to use to ensure satisfaction of the SAFETEA provision within the context of this Revised Interpretation, including a thorough description of our ability as State environmental agencies to participate in the review process.

Administrator McCarthy
March 18, 2016

We appreciate your consideration of these concerns and look forward to a continued partnership with EPA to protect water quality within the state of Oklahoma.

Sincerely,



J.D. Strong, Executive Director
Oklahoma Water Resources Board



Scott Thompson, Executive Director
Oklahoma Department of
Environmental Quality